

REMARKS

Claims 1-17 are currently pending in the application. Applicants respectfully decline to amend the claims at this time. Reconsideration and withdrawal of all pending rejections in view of the following remarks is respectfully requested.

35 U.S.C. § 103 Rejection

Claims 1-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U. S. Patent No. 6,353,861 to Dolin, *et al.* ("Dolin") in view of U. S. Patent No. 6,105,147 issued to Molloy, *et al.* ("Molloy"). This rejection is respectfully traversed.

The claimed invention relates to software framework planning, and more particularly, to a system and method for process planning and execution of separate phases of a plan in order to schedule and/or coordinate complex tasks on more than one computer system. One embodiment of the method includes providing cooperating source phases for performing computations and creating at least one target phase from at least one of the cooperating source phases, where the target phase performs target phase computations. A system and computer readable medium also show this feature. As described by Applicant's specification, a phase is a data element of a plan that executes independently from other data elements (or phases) of the plan; and a source phase is one that becomes dependent and reacts on the termination of another phase, referred to as the target phase. *See* page 12, lines 11-19.

The Examiner is of the opinion that Dolin and Molloy disclose or suggest the above-described features of the claimed invention. In Dolin and Molloy, however, target phases are not created from cooperating source phases, and target phases do not perform target computations. Instead, Dolin discloses using network variables to permit event scheduling to be based on arbitrary conditions. A network variable may be thought of as a data object shared by multiple nodes where some nodes are "readers" of the object, and other nodes are "writers" of the object. *See* col. 7, lines 46-49. Because such network variables do not perform computations themselves (e.g., they are read by and written to by nodes), and because the network variables are not created from other objects (e.g., network variables are predetermined), they are not the cooperating source phases or the target phase recited in claim 1.

Molloy discloses using a concurrent aspect (e.g., an object-like interface) to permit an application program to access a protected resource. When a transaction with the protected

resource is complete, the concurrent aspect forwards a transaction record to a pre-determined serial aspect. The serial aspect replays the transaction using the transaction record. If the replay is consistent with the record, the serial aspect sends a message to the concurrent aspect voting to commit the transaction. However, the concurrent aspect does not become dependent and react on the termination of another phase. Thus, it is not the source phase as claimed. Additionally, because the serial aspect is pre-determined (e.g., is not created from the concurrent aspect), it is not the target phase of the claimed invention.

Moreover, neither Dolin nor Molloy disclose or suggest having the option to wait on completion of a transaction and receipt of a message of external information prior to completion of the computations or the target phase computations, as recited by claims 1 and 14. The Examiner admits that Dolin does not disclose or suggest this feature (*See* Office Action, page 3, paragraph 5). Molloy also fails to disclose or suggest this feature because the serial aspect only receives a transaction record from the concurrent aspect once a transaction associated with the concurrent aspect has been completed. Because the serial aspect replies to the concurrent aspect only after all transaction computations have been completed, the reply disclosed by Molloy is not the “receipt of a message of external information prior to completion of the computations or the target phase computations” as claimed. Thus, claims 1 and 14, which recite this feature, are further patentable over Molloy, either alone or in combination with Dolin. Claims 2-13 and 15-16 are allowable based on their dependencies from allowable base claims 1 and 14 respectively.

Since none of the prior art of record discloses or suggests the claimed subject matter, Applicants respectfully submit that claims 1-17 are patentable over Dolin and Molloy, alone or in combination. Accordingly, withdrawal of the rejection of claims 1-17 is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that all of the rejections have been overcome, and that the claims are patentably distinct from the prior art of record and in condition for allowance. The Examiner is respectfully requested to pass the above application to issue, and to contact the undersigned at the telephone number listed below, if needed. Applicant hereby makes a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to **IBM Deposit Account No. 50-0510 (Yorktown)**.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Andrew M. Calderon', with a large, loopy flourish at the end.

Andrew M. Calderon
Reg. No. 38,093

McGuireWoods LLP
1750 Tysons Boulevard
Suite 1800
McLean, VA 22102-4215
Tel: 703-712-5426
Fax: 703-712-5285

00280702AA

\\COM\464537.1